

Richard B. Specter, SBN 114090
 Diane L. Ellis, SBN 130628
 CORBETT, STEELMAN & SPECTER
 A Professional Law Corporation
 18200 Von Karman Avenue, Suite 900
 Irvine, California 92612-1023
 Telephone: (949) 553-9266
 Facsimile: (949) 553-8454
 rspecter@corbsteel.com

Attorneys for Plaintiffs
 LOS ANGELES TURF CLUB, INCORPORATED,
 LOS ANGELES TURF CLUB II, INC.,
 PACIFIC RACING ASSOCIATION, PACIFIC RACING
 ASSOCIATION II, GULFSTREAM PARK RACING
 ASSOCIATION, INC., OREGON RACING, INC.,
 MARYLAND JOCKEY CLUB OF BALTIMORE CITY, INC.,
 and LAUREL RACING ASSOCIATION, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES TURF CLUB,) Case No.: 2:15-cv-9332 SJO (JEMx)
 INCORPORATED, a California)
 Corporation, LOS ANGELES TURF) Hon. S. James Otero
 CLUB II, INC., a California Corporation,) Courtroom No. 10C
 PACIFIC RACING ASSOCIATION, a)

California Corporation, PACIFIC)
 RACING ASSOCIATION II, a California) **[PROPOSED] ORDER GRANTING**
 Corporation, GULFSTREAM PARK) **PLAINTIFFS' MOTION FOR**
 RACING ASSOCIATION, INC., a) **PARTIAL SUMMARY JUDGMENT**
 Florida Corporation, OREGON RACING,)
 INC., a Delaware Corporation,)

MARYLAND JOCKEY CLUB OF)
 BALTIMORE CITY, INC., a Maryland)
 Corporation, LAUREL RACING)
 ASSOCIATION, INC., a Maryland)
 Corporation, and DOES 1 through 10,)
 inclusive,)

Plaintiffs,)

vs.)

HORSE RACING LABS, LLC, a)
 Delaware Limited Liability Company,)

1 also known as, IMMERSE, LLC, doing)
 2 business as DERBYWARS, and Does 1)
 3 through 10,)
 4 Defendants.)

5
 6 The Motion of Plaintiffs Los Angeles Turf Club, Incorporated, Los Angeles
 7 Turf Club II, Inc., Pacific Racing Association, Pacific Racing Association II,
 8 Gulfstream Park Racing Association, Inc., Oregon Racing, Inc., Maryland Jockey
 9 Club Of Baltimore City, Inc., and Laurel Racing Association, Inc. (collectively,
 10 “Plaintiffs”), for Partial Summary Judgement came on regularly for hearing on April
 11 24, 2017, at 10:00 a.m. Richard B. Specter of Corbett, Steelman & Specter appeared
 12 on behalf of Plaintiffs, and Matthew Kanny of Manatt, Phelps & Phillips appeared on
 13 behalf Defendant Horse Racing Labs, LLC (“Defendant”).

14 After considering the moving and opposition papers, arguments of counsel, and all
 15 other matters presented to the Court,

16 IT IS HEREBY ORDERED THAT the Motion is granted, and the following issues
 17 are deemed adjudicated for the reason that there is no genuine dispute as to any
 18 material fact, and that Plaintiffs are entitled to adjudication of the following issues as a
 19 matter of law:

- 20 1. That the contests offered by Defendant on its Derby Wars website are wagers
 21 under the *Interstate Horseracing Act of 1978*, 15 U.S.C. §§ 3001, *et seq.* (the
 22 “IHA”).
- 23 2. That Defendant is operating an off-track betting system as defined in Section
 24 3002(7) of the IHA.
- 25 3. That Defendant is required to obtain the consent of Plaintiffs prior to
 26 accepting wagers on Plaintiffs’ horseraces.
 27
 28

- 1 4. That Defendant is in violation of Section 3004(a) of the IHA, because it is
- 2 accepting wagers on Plaintiff host racing associations' horseraces, without
- 3 the consent of Plaintiffs.
- 4 5. That Defendant is liable to Plaintiffs for damages under Section 3005 of the
- 5 IHA.
- 6 6. That Defendant is in violation of California *Business & Professions Code*
- 7 Section 17200, *et seq.*
- 8

9 IT IS SO ORDERED.

10
11 Date: _____

12
13 _____
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28